REMARKS

Applicant responds hereby to the outstanding Office Action mailed February 1, 2007, in the above-identified application. Each of claims 1-15 remain pending hereinafter, where claims 1, 10, 11, 12 and 15 are the independent claims.

Response To Drawing Objections

At paragraph 2 of the outstanding Office Action, the drawings were objected to. The Examiner asserts that description labels 16, 18 and 20 are overlapped in Fig. 1, and that a correction drawing sheet is necessary. Applicant has amended Fig.1 substantially in accordance with the Examiner's stated objections, as shown in the replacement sheet for Fig. 1 submitted herewith.

In the replacement sheet, the description labels are now corrected to be non-overlapping. The replacement sheet further shows description label 18 as amended from "EXCH.PU-ID" to -- CH.PU-ID. -- Applicant requests that the amendment to the Fig. 1, as seen in the replacement sheet, be entered, and that the objection be withdrawn.

At paragraph 3 of the outstanding Office Action, the drawings were objected to for failure to comply with 37 CFR 1.84(p)(5). The Examiner asserts that "change PU-ID" (18) is not shown in Fig. 1. To overcome the rejection, and as set forth in the paragraph above, applicant has amended field 18 of Fig. 1 to read -- CH.PU-ID -- (as shown in the replacement drawing sheet). Applicant, therefore, respectfully requests withdrawal of the paragraph 1.84(p)(5) drawing objection.

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Response To Rejection Under 35 USC §102

Claims 11-15 were rejected under 35 USC § 102(b) as anticipated by US Patent No. 5,949,880 to Curry, et al. (Curry).

With respect to claim 11, the Examiner asserts that Curry teaches a trading transaction device, (Curry's microprocessor based device (104)), comprising:

means for entering a trading price; an input interface for a first mobile electronic purse data carrier for performing monetary transactions (Fig. 1, col. 2, lines 38-45) [where the Examiner adds that Curry's microprocessor base device 104 is the claimed trading device], the carrier comprising a storage means for storing one or more payment units each having a respective monetary value, characterized by each said payment units comprising an age information evaluable for delimiting the use of the payment unit (Fig. 6, col. 5, lines 63-67; col. 6, lines 4-22, 25-30) [where the Examiner adds that Curry's secure model 108 is used by multiple service providers], and where each of said payment units having a respective unique payment unit-ID (Fig. 6, col. 4, lines 7-10);

a connective interface to a second such carrier (Fig. 1; col. 2, lines 45-68) [the Examiner adding that Curry's element 106 forms a connective interface between portable module 102 and microprocessor based devices 104], and

means for updating the storage means of both cameras according to the transaction to be traded (Fig. 6) [where the Examiner adds that Curry's microprocessor based device 104 updates monetary values and transaction counts as described in steps Y7 to Y13 in Fig. 5].

Applicant respectfully disagrees. Applicant's invention is directed to compelling users possessing electronic monetary units to return such electronic monetary units (EMUs) back to the issuing party after a specified cycle measured in time or transactions. The intent of requiring such

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returns is to validate the authenticity of the EMUs, and to test for possibly duplicated monetary units.

In one aspect, the invention provides for an electronic purse data carrier for performing monetary transactions which comprises a storage means for storing one or more payment units each having a respective monetary value, whereby each of said 5 payment units comprises age information defining a dynamic age level, and each of said payment units has a respective unique payment unit-ID. "Dynamitic age level" is defined as any kind of information the evaluation of which discloses the dynamically changing extent of actual transactional or potential use, respectively, of a respective payment unit. The evaluation may thus yield an answer to a type of questions like "how often has the respective payment unit been involved in a transaction" or "how much time has passed between the official issue of the payment unit until now."

The dynamic age level defines a parameter that changes over time, or changes according to the extent of use of the payment unit. For example, the dynamic age level may be represented by a steadily increasing or decreasing function, i.e., having a monotone behavior. The dynamic age level may then be compared to one or more threshold levels in order to generate a criterion for at least influencing and optionally delimiting the repetitive transactional use of a payment unit in the statistically regular case, and force the owner of such an 'expired' payment unit to go to a bank to get them reset. The inventive reset process can then be used via the unique PU-ID for the desired official control.

The invention also includes the use of "aging of electronic monetary units." Besides the unique identification, a monetary unit comprises "age-telling" information, for example a counter reflecting the "age" or the number of transactions it has seen since it was issued. On each payment transaction of a particular EMU, its counter is changed such that its usage is limited by a

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predetermined maximum number of transactions defined by the issuer (of the EMU). The owner of the electronic monetary unit experiencing a "maximum-overflow" may be informed about the "expired age" of his EMUs by appropriate means, for example, by commands implemented in the program of the carrier chipcard. If some or all units are found due (overaged and in need of reset), the user is requested to visit the issuing company or its representative to have the units revalidated in the above mentioned reset procedure.

The invention both revalidates (resets) and verifies the appropriate counters of the EMUs. The issuer can verify the electronic units by this process, and store any relevant data needed for control and security purposes. If subsequent to reset, a duplicated (i.e., illegally copied) EMU is presented to the card issuer for account balance purposes, the issuing party may authenticate the monetary unit by comparing the active cycle counter or other security relevant information in the payment unit.

Claim 11

Applicant's independent claim 11 sets forth a trading transaction device including means for entering a trading price, an input interface for a first mobile electronic purse data carrier for performing monetary transactions, the carrier comprising a storage means for storing one or more payment units each having a respective monetary value, characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID, a connective interface to a second such carrier, and means for updating the storage means of both carriers according to the transaction to be traded.

As distinguished, Curry discloses a system 100 and method for communicating a cash equivalent electronically to and from a portable module 102, which may be used as a cash equivalent when buying products and services in the marketplace. The Curry portable module communicates via a microprocessor based device 108, and may be carried by a consumer, filled with electronic money at an add-money station, and is debited by a merchant when a product or sevice is purchased. After a purchase, the merchant's cash drawer indicates a commensurate increase in cash value. Curry includes means for communicating 106 between the portable module 102 and the microprocessor based device 104.

While the Examiner asserts that Curry, at col. 2, lines 38-45, and Fig. 1, teaches a trading transaction device that includes means for entering a trading price, an input interface for a first mobile electronic purse data carrier for performing monetary transactions, applicant respectfully disagrees. Applicant has carefully reviewed the cited text, and Curry's Fig. 1, and find no means for entering a trading price.

While the Examiner asserts that Curry, at Fig. 6, col. 5, lines 63-67; col. 6, lines 4-22, 25-30, discloses that the carrier comprises a storage means for storing one or more payment units (with a respective monetary value), where the payment units comprise an age information evaluable for delimiting the use of the payment unit, and where each of said payment units includes a respective unique payment unit-ID, applicant respectfully disagrees.

Curry at Fig. 6, col. 5, lines 63-67; col. 6, lines 4-22, 25-30, teaches only a secure microprocessor based device 108, shown connected in Fig. 1 to Curry's microprocessor based device 104. Curry's secure microprocessor based device 108 is not the equivalent of applicant's carrier. One embodiment of applicant's electronic purse data carrier 40 is shown in Fig. 2 to be a

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smartcard, with a processor 42 and storage area 44. The ID fields of Fig. 1 are stored in smartcard storage area 44, shown connected in Fig. 1 to Curry's microprocessor based device 104.

While the Examiner asserts that Curry at Fig. 6, col. 4, lines 7-10, teaches that Curry's "carrier" (secure microprocessor based device 108 as asserted by the Examiner) includes payment units 210, and that the Curry payment units have a respective unique payment unit-ID, applicant disagrees. Applicant's payment units are ID fields comprising applicant's data carriers. Col. 4, lines 7-10, discusses identification numbers in Curry's module 102, not payment units.

While the Examiner asserts that Curry, at Fig. 1; col. 2, lines 45-68, teaches a connective interface to a second such carrier, applicant respectfully disagrees. With all due respect, the Examiner has asserted that Curry's equivalent to applicant's carrier is "secured microprocessor-based device 108." Element 106 in Fig. 1 is shown connected to Curry's module 102 and microprocessor-based device 104. Nowhere is found a connective interface to a second carrier.

And while the Examiner asserts that Curry at Fig. 6 shows means for updating the storage means of both carriers according to the transaction to be traded, applicant disagrees. Curry's Fig. 6 shows the detail of Curry's secured microprocessor-based device 108.

Applicant, therefore, respectfully asserts that Curry does not disclose each of the elements of his independent claim 11, and therefore requests withdrawal of the rejection of claim 11 under Section 102 in view of Curry.

Claim 12

With respect to independent claim 12, the Examiner asserts that Curry teaches a method for managing electronic payments with an electronic purse data carrier including steps of checking for each transaction if the age information of a payment unit being part of the transaction has

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exceeded a predetermined transaction age threshold level, and restricting the use of a payment unit with an exceeded transaction age threshold level (Fig 1; Fig. 4, step X6; col. 7, lines 50-54), applicants respectfully disagree.

Applicant's independent claim 12 includes a method for managing electronic payments with an electronic purse data carrier. The method in checking for each transaction if the age information of a payment unit being part of the transaction has exceeded a predetermined transaction age threshold level, and restricting the use of a payment unit with an exceeded transaction age threshold level.

Curry's cited figures and text cited refer comparing serial numbers received in a first data with a decrypted serial number (X5), and if there is a match, then the secure microprocessor-based device 108 compares the transaction count received with a decrypted transaction count (X6). The methods steps are not equivalent, so the method for managing of electronic payments of claim 12 is not unpatentable in view of Curry. Applicant respectfully requests that the rejection of independent claim 12 in view of Curry under Section 102(b) be withdrawn. Because, claims 13 and 14 depend from independent claim 12, claims 13 and 14 are patentable for at least the reasons set forth for the patentability of claim 12. Applicant, therefore, requests withdrawal of same claim rejections.

Claim 15

With respect to claim 15, the Examiner asserts that Curry teaches a computer program product that performs a step of checking for each transaction if age information of a payment unit being part of the transaction has exceeded a predetermined transaction age threshold level, and restrict use of a payment unit with an exceeded transaction age threshold level (Fig. 3. steps x6

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and x7, col. 7, lines 50-54; Fig. 5, steps Y6 and Y7, col. 8, lines 59-65). Applicant respectfully disagrees.

Applicant's independent claim 15 sets forth a computer program product stored on a computer usable medium comprising computer readable program means for causing a computer to manage electronic payments with an electronic purse data carrier, where the carrier stores age information corresponding to payment units stored thereon. The computer program product causes the computer to check for each transaction if age information of a payment unit being part of the transaction has exceeded a predetermined transaction age threshold level, and restrict use of a payment unit with an exceeded transaction age threshold level.

Curry's cited figures and text discuss matching serial numbers, and if they match, subtracting a first amount from a monetary value and increment a transaction counter. Nowhere does Curry mention an age threshold level. Hence, the computer program product of claim 15 is not unpatentable in view of Curry, and applicant respectfully requests that the rejection of independent claim 12 in view of Curry under Section 102(b) be withdrawn.

Response To Rejections under 35 USC § 103

Claims 1-4 and 10 were rejected under 35 USC §103(a) over Curry in view of US Patent No. 5,999,625 to Bellare, et al. (Bellare).

Claims 1-4

With respect to independent claim 1, the Examiner asserts that Curry discloses an electronic purse data carrier for performing monetary transactions, comprising a storage means for storing one or more payment units each having a respective monetary value (Fig. 2, Fig. 5, step

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Y12, col. 3, lines 56-65), each of said payment units comprising an age information evaluable for delimiting the use of the payment unit (Fig. 2; col. 3, lines 66-67; col. 4, lines 1-4).

The Examiner further asserts that Curry does not teach that each of said payment units having a **respective unique payment unit-ID**, but that Bellare does at Fig. 1, col. 2, lines 13-17, and at col. 4, lines 1-3).

The Examiner then asserts that it would have been obvious to the skilled artisan to modify Curry to include Bellare's **respective unique payment unit-ID** because:

Bellare teaches that single use of fund representation associated with a unique fund ID results indication in the database that the fund representation may no longer be used (Bellare at col. 2, lines 14-17).

Applicant respectfully disagrees. The Examiner suggests that the skilled artisan would be motivated to modify Curry with Bellare's payment units with a unique payment ID because of the teaching of Bellare that "single use of fund representation associated with a unique fund ID results indication in the database that the fund representation may no longer be used." Nowhere does applicant claim a limitation of a single use fund representation. For that matter, there is no suggestion or motivation stated for rendering obvious such a 103(a) combination to the skilled artisan inherent in the Examiner's assertions, nor found in either Curry or Bellare. With all due respect, therefore, the proposed combination is improper under the law. But even if there was proper motivation, the proposed combination of Bellare with Curry, will still not render obvious applicant's independent claim 1 for at least the following reasons.

Applicant's independent claim 1 sets forth an electronic purse data carrier for performing monetary transactions, comprising a storage means for storing one or more payment units each having a respective monetary value, each of said payment units comprising an age information

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evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID.

Curry at col. 3, lines 56-65, states that Curry's portable module 202 comprises a nonvolatile memory for storing and retrieving vital information pertaining to the system to which the module to which the module may become attached. Nowhere does the text or drawing figures suggest storing payment units each having a respective monetary value.

Curry at col. 3, lines 66-67, and col. 4, lines 1-4, describes that module 206 includes a counter for keeping track of the number of transactions the module has performed. Fig. 2 shows the counter. Applicant does not find any teaching for payment units, still less payment units comprising an age information for delimiting the use of a payment unit.

And while the Examiner asserts that Curry does not teach that each of said payment units having a **respective unique payment unit-ID**, but that Bellare does at Fig. 1, col. 2, lines 13-17, and at col. 4, lines 1-3), applicants disagree. Bellare at col. 2, lines 13-17, teaches single-use fund representations associated with a database, and unique fund ID associated with a message in the database. Bellare does not teach or even suggest payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID.

Hence, combining Curry with Bellare as proposed by the Examiner will not realize applicant's invention as set forth in independent claim 1, for these and at least the arguments set forth above with respect the Section 102(b) rejections. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 1 under Section 103(a) by Curry in view of Bellare. Because claims 2-4 depend from claim 1, they are patentable for at least the same

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reasons asserted herein for the patentability of claim 1, and applicant respectfully requests withdrawal of the rejection of claims 2-4 under Section 103(a) in view of Curry and Bellare.

Claim 10

With respect to claim 10, the Examiner asserts that Curry teaches a banking terminal device for accessing purse data stored in the storage means of an electronic purse data carrier for performing monetary transactions, the storage means storing one or more payment units each having a respective monetary value (Fig. 1, teller machine 112), characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit (Fig. 4, step X1), and each of said payment units having a respective unique payment unit-ID, the banking terminal device comprising:

implemented program means for verifying said age information (Fig. 1, col. 3, lines 14-15); and implemented program means for resetting said age information after successful verification of said payment unit (Fig. 5, step y13, col. 9, lines 11-12), but that Curry does not teach that respective unique payment unit ID, but Bellare does at Fig. 1, col. 2, lines 13-17, and col. 4, lines 1-3.

The Examiner then asserts that it would have been obvious to the skilled artisan to modify Curry to include Bellare's **respective unique payment unit-ID** because:

Bellare teaches that single use of fund representation associated with a unique fund ID results indication in the database that the fund representation may no longer be used (Bellare at col. 2, lines 14-17).

Applicant respectfully disagrees. The Examiner suggests that the skilled artisan would be motivated to modify Curry with Bellare's payment units with a unique payment ID because of the

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teaching of Bellare that "single use of fund representation associated with a unique fund ID results indication in the database that the fund representation may no longer be used." Nowhere does applicant claim a limitation of a single use fund representation. For that matter, there is no suggestion or motivation stated for rendering obvious such a 103(a) combination to the skilled artisan inherent in the Examiner's assertions, nor found in either Curry or Bellare, so the proposed combination is improper under the law. But even if there was proper motivation, the proposed combination of Bellare with Curry, will still not render obvious applicant's independent claim 1 for at least the following reasons.

Applicant's independent claim 10 sets forth a banking terminal device for accessing purse data stored in the storage means of an electronic purse data carrier for performing monetary transactions, the storage means storing one or more payment units each having a respective monetary value, characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID, the banking terminal device comprising implemented program means for verifying said age information, and implemented program means for resetting said age information after successful verification of said payment unit.

While the Examiner asserts that Curry teaches payment units each having a respective monetary value (Fig. 1, teller machine 112), characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit (Fig. 4, step X1), applicant disagrees. Fig. 4, step X1 shows a portable module with an ID number, a transaction counter count and an encrypted data packet, where the encrypted data packet shows an ID number, transaction count and monetary value. The cited figure and text do not show payment

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units each having a respective monetary value and characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit

While the Examiner asserts that Curry teaches the banking terminal device comprising implemented program means for verifying said age information (Fig. 1, col. 3, lines 14-15), applicants disagree. Curry at col. 3, lines 14-15, and Fig. 1, describe a credit card reader 114, ATM 112 attached to Curry's microprocessor based device 104, but not implemented program means for verifying said age information.

While the Examiner asserts that Curry teaches implemented program means for resetting said age information after successful verification of said payment unit at Fig. 5, y13, col. 9, lines 11-12), applicant disagrees. Element Y13 and col. 9, lines 11-12, concern a transaction counter, but do not teach or suggest program means for resetting said age information after successful verification of said payment unit, as asserted by the Examiner.

Hence, combining Curry with Bellare as proposed by the Examiner will not realize applicant's invention as set forth in independent claim 11, for these and at least the arguments set forth above with respect the Section 102(b) rejections. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 10 under Section 103(a) by Curry in view of Bellare.

Claims 5-9

Claims 5-9 were also rejected under 35 USC §103(a) by Curry in view of Bellare, and further in view of US Patent No. 6,119,946, to Teicher. To support the rejection, the Examiner asserts with respect to dependent claim 5 that Curry and Bellare together teach claim 4, from which claim 5 depends

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Applicants respectfully disagree. That is, and with all due respect, claims 5-9 are patentable in view of the asserted combination of Curry, Bellare and Teicher for at least the reasons set forth above for the patentability of claim 1, from which claims 5-9 depend. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 5-9 under Section 103(a) in view of the asserted combination.

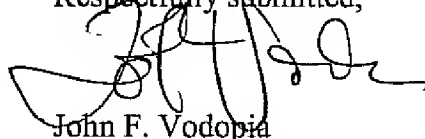## Response to Double Patenting Rejections

Claims 1-5, 7 and 10-15

At paragraph 24 of the outstanding Office Action, claims 1-5, 7 and 10-15, were rejected on the ground of nonstautory obviousness-type double patenting in view of claims 1-15 of US Patent No. 6,711,685 to Schaal, et al. (Schaal). To support the rejection, the Examiner asserts that the claims are not patentably distinct because they involve counter allocated to secret pieces of information and counter counts the number of uses of secret information after matching the requirement and updates the counter after each use.

Applicants respectfully disagree. In particular, the Schaal patent is directed to, and claims a procedure for protecting against analytical espionage of secret information, and applicant's instant invention and claims are directed to trading transactions and managing electronic payments, including the use of electronic payment units. The claims are patentably distinct. Applicant, therefore, respectfully requests the withdrawal of the rejection of claims 1-5, 7 and 10-15, on the ground of nonstautory obviousness-type double patenting in view of claims 1-15 of US Patent No. 6,711,685 to Schaal.

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Conclusion

It follows that each of pending claims 1-15 are patentably distinct from Curry alone under Section 102, from Curry in view of Bellare under Section 103(a), from Curry and Bellare further in view of Teicher under Section 103(a) and from Schaal under non-statutory obviousness type double patenting. Applicants therefore urge the Examiner to reconsider and withdraw the rejection of claims 1-15, to allow the claims and pass the application to issue. If the Examiner believes that a telephone conference with applicant's attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

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